

Public Servant - Allegation of corruption against Sri Manthugari Sreenivasulu, Assistant Commercial Tax Officer, Rayachoty Unit, Office of the Commercial Tax Officer, Rajampet Kadapa district - Trapped on 12.5.2009 - Sanction of Prosecution - Orders -Issued.

REVENUE (VIG-I) DEPARTMENT

G.O.Rt.No.

Dated. 7.2010.

ORDER:

- 1) Whereas, Sri Manthugari Sreenivasulu worked as Assistant Commercial Tax Officer, Rayachoty Unit, Office of the Commercial Tax Officer, Rajampet, Kadapa district from 17.7.2008 to 12.5.2009 and by virtue of the post held by him, he falls under the category of Public Servant as defined under section 2 (c) of the Prevention of Corruption Act, (Act 49 of 1988);
- 2) And whereas, Sri Gundluru Abdul Sattar s/o Abdul Jalal, age 39 years, defacto complainant is a resident of Bose Nagar, Rayachoty, Kadapa district;
- 3) And whereas, on 11.5.2009 at 16-40 hours, Sri Gundlruru Abdul Sattar, the proprietor of Sony Raj Cinema hall, Rayachoty came to the Inspector of ACB, Kadapa and presented a report stating that during the year 2004, he constructed Sony Raj Cinema hall and shopping complex in the ancestral joint property, a dispute arose between himself and his brothers regarding ancestral properties. On that both parties effected compromise and arrived to an agreement in High Court got prepared a joint Memo.dated.29.1.2009 and filed in the High Court. As per compromise agreement, Sri G.Abdul Sattar received some amount and cleared off debts in respect of cinema hall and shopping complex and handed over the ownership of cinema hall and shopping complex to his brothers Mohammad Yusuf etc., and his sisters on 1.5.2009 through agreement written on stamp papers. He paid all types of taxes upto 30.4.2009,

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in respect of the cinema hall. He submitted D.C.R.Weekly returns to the O/o ACTO, Rayachoty located in Rajampet from time to time properly. He also paid taxes for the month of April through a challan. On 7.5.2009 Sri M.Sreenivasulu, ACTO visited Rayachoty and came to his cinema hall after visiting sahithya Cinema Theatre. Sri M.Sreenivasulu told him that he came to know that Sri G.Abdul Sattar has given away cinema hall and shopping complex to his brother and asked him whether it is true. Sri G.Abdul Sattar informed that it was true and also informed that about the property dispute between himself and his brothers & sisters, about their effecting compromise and handing over the possession of cinema hall and shopping complex, to his brothers and sisters. On that, Sri M.Sreenivasulu told that a notice was dispatched to him demanding him to pay tax arrears amount to the tune of Rs.22,000/- and enquired as to whether the notice issued by him reached to him. Sri G.Abdul Sattar replied that he did not receive any notice, he paid tax amounts from time to time without any interruption and that much of amount was not due by him. On that, Sri M.Sreenivasulu stated that he was not properly looked after by him, hence Sri G.Abdul Sattar has to pay the tax arrears. Sri G.Abdul Sattar requested Sri M.Sreenivasulu that he is not in a position to pay that much tax arrears amount as he already handed over the ownership of cinema hall to his brothers and to help him in the matter and also requested Sri M.Sreenivasulu to see that NSC bonds for about Rs.25,000/- deposited in his office to be returned to him. For doing that work, Sri M.Sreenivasulu demanded Sri G.Abdul Sattar to pay bribe of Rs. 2,000/- for which Sri G.Abdul Sattar expressed his inability. Sri M.Sreenivasulu stated that his work would not be done and his bonds would not be returned to him unless he pays demanded bribe amount. Having no other go, he agreed to pay the bribe amount to Sri M.Sreenivasulu. Sri M.Sreenivasulu asked Sri G.Abdul Sattar to contact him over phone on receipt of the notice, to inform him about the time to pay the bribe. On 11.5.2009, Sri G.Abdul Sattar received the notice sent by ACTO,

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Rayachoty. Sri G.Abdul Sattar contacted Sri M.Sreenivasulu over phone and requested to help him as he is not in a position to pay that much of tax arrears amount since he already handed over the possession of cinema hall to his brothers. On that , Sri M.Sreenivasulu stated that he cannot do any help with regard to tax arrears matter as he had already sent notice and informed that he will help him in getting back the NSCs to Sri G.Abdul Sattar, that he will dictate a letter and asked him to come to his office either on next day or a day later 11.30 hours with his letter head along with the demanded bribe amount of Rs. 2,000/- to pay him in his office. Since he is not interested by paying bribe to Sri M.Sreenivasulu, Sri G.Abdul Sattar came to the office of Inspector, ACB, Kadapa and submitted a written report to the Inspector requesting to take necessary action against Sri M.Sreenivasulu. Then the DSP,ACB, Tirupati registered the said report as a case in Cr.No.4/RCT-TCD/2009 after observing all legal formalities;

4) And whereas, during the course of investigation DCP, ACB, Tirupati Range, Tirupati conducted pre-trap proceedings on 12.5.2009 at the O/o Inspector of Police, ACB, Kadapa from 11.35 hours to 13.30 hours in the presence of two mediators, ACB staff and Sri G.Abdul Sattar. All the required formalities to be observed were complied with;

5) And whereas, after completion of pre-tarp proceedings, DSP, ACB along with Sri G.Abdul Sattar, mediators, Inspectors and staff of ACB, Kadapa left ACB Office, Kadapa at 13.40 hours and reached Rajampet Railway Station road opposite to SBI (ADB) Rajampet at 14.40 hours. The DSP, ACB allowed Sri G.Abdul Sattar to go to the O/o Sri M. Sreenivasulu, to comply with the demand of bribe amount only on his further demand but not otherwise . Sri G.Abdul Sattar went to the office of Sri M.Sreenivasulu and came to know that he went for launch. Sri G.Abdul Sattar came to the entrance of office building and

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waited. After 5 minutes, M.Sreenivasulu came from outside. Sri G.Abdul Sattar met M.Sreenivasulu to reduce the tax arrears amounts and to return NSC bonds to him. M.Sreenivasulu asked him to give a letter and took him to the 2nd floor of the building and Sri M. Sreenivasulu wrote some matter with his own hand writing and gave it to him and asked him to write the same on his letter head. As Sri Abdul Sattar could understand that written matter, he wrote the matter on his letter head. He asked M.Sreenivasulu that he would write in the same letter requesting to get reduced the tax arrears amount and on that M.Sreenivasulu instructed him not to write that matter in this letter and would look into that matter later and instructed him to write about return of bonds only. Accordingly, he wrote the letter and gave it to Sri M.Sreenivasulu enclosing a copy of agreement between himself and his brothers and a letter sent to Joint Collector. The same was received by Sri M.Sreenivasulu. Thereafter, Sri M.Sreenivasulu took Sri G.Abdul Sattar to his office room located in the 3rd floor of the same building, on the way on further demand by Sri M.Sreenivasulu, Sri G.Abdul Sattar gave the tainted amount of Rs.2000/- to Sri M.Sreenivasulu and Sri M.Sreenivasulu received the same and kept in his black colour Rexine bag. Then Sri G.Abdul Sattar came out of the office room by saying to Sri Sri M.Sreenivasulu that he is going to toilet and gave pre-arranged signal. On receiving the above signal, the DSP along with the mediators and remaining trap team rushed to the office room of Sri M.Sreenivasulu, and while entering into the office room of Sri M.Sreenivasulu, Sri Abdul Sattar came opposite to the trap party and the DSP asked him to wait outside the office until he was called in. The DSP along with his trap party entered into the office room of Sri M.Sreenivasulu. The DSP got prepared sodium carbonate solution in two glass tumblers and asked Sri M.Sreenivasulu to rinse his both hand fingers in the said solutions. On doing so, both hand fingers yielded positive result. Then DSP enquired Sri M.Sreenivasulu about bribe amount of Rs.2000/- received by him a short while ago from Sri G.Abdul Sattar. Then Sri M.Sreenivasulu voluntarily took out currency notes from his black colour rexine hand bag (BURBERRY) and produced them before the DSP. On the instructions of DSP one of the mediators took the currency notes from Sri M.Sreenivasulu, counted, compared serial

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numbers of the said currency notes with the numbers already noted in the mediators report-I and found tallied. The DSP seized the bribe amount of Rs.2000/- Then the DSP subjected the inner lining of the first pocket of the black colour rexine hand bag of Sri M.Sreenivasulu to the sodium carbonate test and the test proved positive. Then the DSP seized the black colour rexine hand bag, records and other material objects. Then the DSP arrested Sri M.Sreenivasulu on 12.5.2009 at 23.00 hours and informed him the grounds of the arrest. The above proceedings were reduced into writing in the form of mediator report No.2;

6) And whereas, the above acts of Sri Manthugari Sreenivasulu, Assistant Commercial Tax Officer, Rayachoty Unit O/o C.T.O Rajampet, Kadapa district constitute offences punishable under section 7 and 13(2) read with section 13(1) (d) of the Prevention of Corruption Act, 1988;

7) And whereas, the Government of Andhra Pradesh being the competent authority to remove the said Sri Manthugari Sreenivasulu, Assistant Commercial Tax Officer, Rayachoty, Unit, O/o C.T.O Rajampet, Kadapa district from the Government service after fully and carefully examining the materials (viz, FIR, copies of statements of witness, copies of documents, mediators reports and other material) placed before them in regard to the said allegations and having regard to the facts and circumstances of the case consider that the said Sri Manthugari Sreenivasulu, Assistant Commercial Tax Officer, Rayachoty Unit O/o C.T.O, Rajampet, Kadapa should be prosecuted in a court of law for the said offences.

8) Now, therefore in exercise of the powers conferred by clause (b) of sub-section (1) of section 19 of the Prevention of Corruption Act, 1988 (Act 49 of 1988) the Government of Andhra Pradesh hereby accord sanction for the prosecution of the said Sri Manthugari Sreenivasulu, Assistant Commercial Tax

Officer, Rayachoty Unit, O/o C.T.O Rajampet, Kadapa district for the offences punishable under sections 7 and 13(2) read with section

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13(1) (d) of the Prevention of Corruption Act, 1988 and for any other cognate offences punishable under any other provisions of law for the time being in force in respect of the aforesaid acts and for taking cognizance of the said offences by a court of competent jurisdiction.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASOTOSH MISRA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General,
Anti Corruption Bureau ,
A.P .Hyderabad.

Copy to :-
Law Department.

